

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SUNSET MANUFACTURING, INC.)
)
v.) NO. 2:09-0069
) JUDGE CAMPBELL
ONWARD MANUFACTURING)
COMPANY, LIMITED)

ORDER

Pending before the Court is Plaintiff's Motion for Reconsideration and to Alter or Amend (Docket No. 71). Plaintiff's Motion is DENIED.

The Court treats a Motion for Reconsideration as a Motion to Alter or Amend, pursuant to Fed. R. Civ. P. 59(e). *Al-Sadoon v. FISI Madison Financial Corp.*, 188 F.Supp.2d 899, 901-02 (M.D. Tenn. 2002); *Baker v. Windsor Republic Doors*, 2009 WL 2461383 at * 8 (W.D. Tenn. Aug. 10, 2009).

Motions to alter or amend a judgment may be granted only if there is a clear error of law, newly discovered evidence, an intervening change in the controlling law or to prevent manifest injustice. *Gencorp, Inc. v. American Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999); *Al-Sadoon*, 188 F.Supp.2d at 901.

On a motion to alter or amend, a party may not simply reargue its position in the hope that the court will change its mind. *Al-Sadoon*, 188 F.Supp.2d at 902. The losing party must demonstrate that the court clearly overlooked material facts or controlling law that were presented in the prior motion and that would result in a different disposition. *Id.*

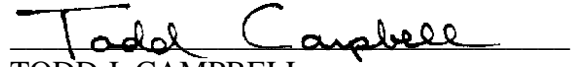
Plaintiff's argument that Defendant breached the License Agreement by refusing to pay the Year Two price for orders shipped before the lawsuit was filed was asserted and considered previously. The Court sees no reason to revisit its ruling on this issue.

Plaintiff's argument that the Court should apply the Uniform Commercial Code was also asserted and considered previously. The Court will not revisit this argument.

Finally, the Court will not reopen this case for new claims which arose since the Motions for Summary Judgment. Plaintiff failed to file a Motion to Amend its Complaint before the case was dismissed, and the Court will not reopen it now.

For these reasons, Plaintiff's Motion for Reconsideration and to Alter or Amend (Docket No. 71) is DENIED.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE